Introduction

The Violence of Value

Hurricane Katrina decimated the poorest, the brownest, and the blackest neighborhoods along the Gulf Coast in Louisiana, Alabama, Florida, and Mississippi. By almost all accounts, the people most devastated and the places most damaged were disproportionately black and impoverished. And while not all coverage was without sympathy, some articles’ portrayals of Katrina victims were disconcerting. News media and conservative weblogs stigmatized and criminalized poor African American victims of Hurricane Katrina, particularly the residents of New Orleans. Among the most publicized examples of these incriminating images were snapshots of black people allegedly “looting” abandoned grocery stores. Several bloggers juxtaposed two virtually identical photos on the internet with very different and very telling captions. One read, “A young man wades through chest deep flood water after looting a grocery store . . . ,” while the other said, “Two residents wade through chest-deep water after finding bread and soda from a local grocery store . . . .” The pictures told us that African Americans “looted” while white people “found.” It seemed that news media presumed white people's
innocence and the black poor's guilt, but the example also elucidated much more than individual journalist's stereotypes.

The captions illustrated not only that young black males are persistently stereotyped as criminal; they also revealed that criminal activity was unrecognizable without a black body. Without a black body, the same action was interpreted as a (white) survival strategy. The difference between seeing a stereotype and recognizing criminality is not insignificant. A stereotype is about perception and deception. Its colloquial use often refers to a certain kind of intellectual laziness that prefers to interpret situations through ideological shortcuts, rather than searching seriously for what's "really true." But if the black body is necessary for an audience to recognize criminal activity, then the difference between "looting" and "finding" is not just a stereotype, not just proof of a distorted image that obfuscates "truth" and complexity. The example illustrates that race is much more than a fraudulent mask that we have been forced to wear that prevents other people from "truly seeing" who we "really" are.

The example also demonstrates that race, gender, and sexuality are ways of knowing that make sense of social reality in the United States. Two practically indistinguishable images could have been interpreted in multiple ways, but they were not, and they were not because social differences made sense of the scenes that were seen. They were not because a single black man and a white couple (heterosexual by all appearances) provided the context for abandoned grocery stores and floating loaves of bread. Black masculinity gave a different meaning to chest-deep waters and hurricane-wrecked lives than the meanings conveyed by white heteronormativity. As ways of knowing and methods of meaning-making, race, gender, and sexuality simultaneously erase and make sense of what should have been a contradiction by making racial contradictions commonsense. It should have been contradictory to interpret the same action as unlawful for one person but resourceful for two others, yet the contradiction was dismissed, explained away as merely the simple "truth" of photojournalists' observations.

The Associated Press (AP) essentially argued that the photographer saw a person who seemed to have engaged in the act of looting and that it was no one's fault that the looting body happened to be black: "AP's policy is that each photographer can describe only what he or she actually sees." Both photographers described what they saw, but race was the way of knowing that made sense out of their observations. As the New York Times reported,

Mr. Martin had seen the man in his photograph wade into a grocery store and come out with the sodas and bag, so by [the] A.P's definition, the man
had looted. . . Mr. Graythen [photographer of the Agence France-Press photo (AFP)] described seeing the couple near a corner store from an elevated expressway. The door to the shop was open, and things had floated out to the street. He was not able to talk to the couple, “so I had to draw my own conclusions,” he said.³

The explanation for this racial contradiction was simple: Nothing needed to be explained because nothing was contradictory. To make these contradictions no longer contradictory, interpretations of the photographs had to bracket bodies of racial difference, refocusing the controversy by directing us to “see” the Katrina victims’ conduct and contexts instead of their color.⁴ After all the controversy and such blatant evidence, we are left only with a picture of black looting and a photo of white finding, each verified as and representative of the color-blind truth. What we were really seeing, we were told, was a photo of “looting” officially defined and a photo of “finding” credibly presupposed.

Racial stereotypes are not degrading because race is devalued. Stereotypes are degrading because they link race to other categories of devaluation, just as race is redeemed when linked to other properties of personhood universalized as socially valuable, such as heteronormativity or U.S. citizenship. In these examples, racial commonsense-making pivots on the concept of “looting.” “Looting” links black racial difference to criminality. And although this is an association adamantly disavowed, the disavowal itself falls one step short. The looter, as a criminal figure, is also a signifier for a fiction, a fictional figure that people have made real and consequential. The looter is given a life of his own, affixed with an amoral nature and ascribed shameful meanings that justify why certain people need to be targets of state violence and abandonment. Disavowing criminality was possible in part because bloggers took the looter out of the photograph; the looter was erased and re-presented as a survivor who had been misrecognized as a criminal. His particular black body was delinked from criminality and given back personhood, but criminality was not delinked from black bodies in general. The criminal was and could be renounced only because the figure of the looter was no longer a part of this picture. The juxtaposition of black looting and white finding lends itself to outrage, disavowal, and repudiation, but none of these responses help us to reveal how Hurricane Katrina victims of color are transformed into criminals or how communities are criminalized. One photographer saw a survival strategy, rather than a criminal activity. We reproach him because he saw a Hurricane Katrina survivor instead of a criminal figure, because he seemed selectively empathetic, because he had a definition of “looting” that some looters did not seem to fit.⁵
Social Death

Social Death: Racialized Rightlessness and the Criminalization of the Unprotected examines how human value is made intelligible through racialized, sexualized, spatialized, and state-sanctioned violences. Although we know that social value is assigned and denied on racial terms, less attention has been given to examining the ways in which social value is also contested and condoned through legally inflected notions of morality. Because the law is presumed to be both ethical and irreproachable, the act of law-breaking reflects poorly on a person's moral character. If following the law (legitimate or not) determines whether a person is moral or immoral, it is all but impossible for people assigned to certain status categories to represent themselves as moral and deserving.

In no small part, our analytical limitations can be traced to past solutions. Part of the difficulty is connected to our own victories: Today's “racial progress” is heavily indebted to the state and its legal apparatuses, and for some populations that is precisely the problem. For the poor of color, the stakes are always high. The poor of color are affected most often and most intensely when criminal and immigration laws are altered to be more efficient but less humane. This happens, in part, because the criminal, the illegal alien, and the terrorist suspect are treated as obvious, self-inflicted, and necessary outcomes of law-breaking rather than as effects of the law or as produced by the law. When law targets certain people for incarceration or deportation, it criminalizes those people of color who are always already most vulnerable and multiply marginalized.

The practices and processes of criminalization, however, are often concealed when we reject criminal stereotypes. The term “criminalization” has been used to refer to being stereotyped as a criminal as well as to being criminalized, but it's important to maintain a distinction between the two. Even though being stereotyped and being criminalized are not mutually exclusive and often overlap, these have different relationships to U.S. law. To be stereotyped as a criminal is to be misrecognized as someone who committed a crime, but to be criminalized is to be prevented from being law-abiding. To be stereotyped as a gang member means that someone, perhaps a law-abiding citizen, was misrecognized as a gang member because of his or her racial background. In contrast, gang members are criminalized because they have a different relationship to criminal law and the U.S. justice system, because they face regulations other people do not have to follow, such as gang injunctions, and because they deal with harsher and longer sentences because of gang enhancement charges. Racial profiling both stereotypes nongang
members and criminalizes gang members. For the person who is racially profiled as well as misrecognized as a gang member, the injury is not just the act of racial profiling but also the act of misrecognition. Not only does criminalization preempt sympathy for and empathizing with gang members, it ensures outrage on behalf of those who are misrecognized and falsely accused of being (not behaving like) a gang member.

In this vein, people who occupy legally vulnerable and criminalized statuses are not just excluded from justice; criminalized populations and the places where they live form the foundation of the U.S. legal system, imagined to be the reason why a punitive (in)justice system exists. Although they are excluded from law’s protection, they are not excluded from law’s discipline, punishment, and regulation. Their position evidences what ethnic studies scholar Yen Le Espiritu terms “differential inclusion.” As Espiritu argues, marginalized groups are “deemed integral to the nation’s economy, culture, identity, and power—but integral only or precisely because of their designated subordinate standing.” Certain vulnerable and impoverished populations and places of color have been “differentially included” within the U.S. legal system. As targets of regulation and containment, they are deemed deserving of discipline and punishment but not worthy of protection. They are not merely excluded from legal protection but criminalized as always already the object and target of law, never its authors or addressees.

As the foundation of law, certain racialized populations are excluded from its protections and its processes of legitimation, but they are not quite imagined as completely outside the law because to be outside the law suggests that eventual inclusion is possible. When immigration law excluded people of particular races and national origins from immigrating, it was not permanent. Because these laws explicitly criminalized identities, they could be changed or rescinded to incorporate previously excluded groups. They did not, however, fundamentally change the criminalized statuses such laws produced. For instance, Chinese Exclusion (1882) produced Chinese “illegal aliens.” Repealing Chinese Exclusion (1943) enabled more immigrants from China to enter the United States legally, but it did not change the vulnerable legal status of the “illegal alien.” The “illegal” or unlawful alien is a status that forms the foundation of immigration law, and, therefore, the unlawful alien cannot be incorporated into immigration or naturalization law. Laws that have tried to address the problem of having an undocumented, rightless population have only been able to make exceptions. The Immigration Reform and Control Act of 1986, for example, provided a path toward legalization and citizenship for a specific contingent of undocumented immigrants, but it did not change or decriminalize the rightless status of the
“illegal alien.” All those who did not qualify (or could not prove that they qualified) under the exemption would still be criminalized, demonized, and rendered rightless. Recent proposals for a federal Development, Relief, and Education for Alien Minors Act (DREAM Act) also propose to create exceptions to current immigration law (i.e., by giving a path to legalization to undocumented college educated students and undocumented persons who serve the military). But the DREAM Act proposals do not address the fundamental problem of immigration law: that it creates a permanently rightless status.

To say that some groups form the foundation for law is to say that law is dependent upon the permanence of certain groups’ criminalization. These permanently criminalized people are the groups to whom I refer as inelgible for personhood—as populations subjected to laws but refused the legal means to contest those laws as well as denied both the political legitimacy and moral credibility necessary to question them. These populations are excluded from the ostensibly democratic processes that legitimate U.S. law, yet they are expected to unambiguously accept and unequivocally uphold a legal and political system that depends on the unquestioned permanency of their rightlessness. As I will argue, targeted populations do not need to break laws to be criminalized. Their behaviors are criminalized even if their crimes are victimless (using street drugs), even if their actual activities are not illegal at all (using health care), and even if the evidence is not actually evidence (“looking like a terrorist”). Criminalization can operate through instituting laws that cannot be followed. People subjected to laws based on their (il)legal status—“illegal aliens,” “gang members,” “terrorist suspects”—are unable to comply with the “rule of law” because U.S. law targets their being and their bodies, not their behavior. They are denied not only the illusion of authorship but even the possibility of compliance.9

Certain populations’ very humanity is represented as something that one becomes or achieves, that one must earn because it cannot just be.10 These populations are denied what political philosopher Hannah Arendt calls “the right to have rights.”11 The bodies and localities of poor, criminalized people of color are signifiers for those who are ineligible for personhood, for those contemporary (il)legal statuses within U.S. law that are legally illegible. These statuses are legally illegible because they engender populations not just racialized but rightless, living nonbeings, or, in Judith Butler’s words, as “something living that is other than life.”12 To be ineligible for personhood is a form of social death;13 it not only defines who does not matter, it also makes mattering meaningful. For different reasons, undocumented immigrants, the racialized poor of the global South, and criminalized U.S. residents of color
in both inner cities and rural areas are populations who “never achieve, in the eyes of others, the status of ‘living.’”14 In her study of death, race, sexuality, and subjectivity, Sharon Holland observes that in the space of social death, “there is no full embrace of the margin here, only the chance to struggle against both a killing abstraction and a life-in-death; neither choice is an appealing option.”15 The killing abstraction is not itself abstract. It references the ways in which racialized populations are made unduly vulnerable by global capitalism and neoliberal restructuring, and it refers to the way they are positioned absolutely and necessarily beyond legal recourse. Urban geographer Ruth Wilson Gilmore names these killing, abstracting practices and processes “racism”:

Racism is a practice of abstraction, a death-dealing displacement of difference into hierarchies that organize relations within and between the planet’s sovereign political territories. . . . Indeed, the process of abstraction that signifies racism produces effects at the most intimately “sovereign” scale, insofar as particular kinds of bodies, one by one, are materially (if not always visibly) configured by racism into a hierarchy of human and inhuman persons that in sum form the category of “human being.”16

Racism is a killing abstraction. It creates spaces of living death and populations “dead-to-others.”17 It ensures that certain people will live an “abstract existence” where “living [is] something to be achieved and not experienced.”18

Engendered by corporate capital and the neoliberal state, ineligibility to personhood refers to the state of being legally recognized as rightless, located in the spaces of social death where demands for humanity are ultimately disempowering because they can be interpreted only as asking to be given something sacred in return for nothing at all.19 By definition an inalienable right cannot be taken or given away, and, therefore, it cannot really be re-conferred. Regardless of citizenship status, whether people of color deserve rights and resources is often questioned because those with social privilege often still interpret economic, social, political, and/or legal integration as a (conditional) “gift.”20 Ineligibility to personhood is the contemporary manifestation of what Orlando Patterson refers to as the “inalienability problem.”21 In his seminal work on slavery and social death, Patterson explains that the act of freeing slaves, specifically their transformation from possession to personhood, was legally, economically, and conceptually illegible. Because the master already owned anything a slave could give, freedom could only be conceived of as granted, never actually purchased, so “even though slaves paid dearly in one way or another for their freedom . . . freedom itself
was still regarded as a gift from the master or mistress.”

When slaves bought their freedom, the transaction did not give them what their master possessed by owning them, “for the master does not convey dominion or power to the slave; he merely releases him from his dominion.”

Buying “freedom” did not transmit empowerment; it reconfigured the slave's relationship to the master's power.

Current examples of the “inalienability problem” can be found in popular arguments over extending welfare benefits to the unemployed of color because all sides of both debates accept the premise that working (or independently wealthy) U.S. citizens have something to lose and nothing to gain. This is why such debates—over welfare, deportation, detention, etc.—frequently revolve around questions of morality and ethicality—whether Americans should or shouldn't “freely give” rights and resources to the destitute and undeserving. To extend legal recognition to those already recognized as ineligible for such rights is also about the empowered population’s “sacrifice,” as if legal recognition was a contract between unequals that formalizes the dominant populations’ willingness to share their power and privileges. Whether marginalized and aggrieved groups have access to legal recourse becomes a moral and ethical question for the privileged population. Hence, the transformation from nonbeing to legal personhood is always and already framed as someone else’s “freely given decision” to relinquish power and privilege in exchange for nothing at all.

To use the term “ineligibility” underscores that legal recognition is not and cannot be a viable solution for racialized exploitation, violence, and poverty. For all legally uncertain populations, the law punishes but does not protect, disciplines but does not defend. Because the state renders criminalized populations of color ineligible for personhood and, consequently, ineligible for the right to ask for rights, they cannot be incorporated in rights-based politics. Another way to think about populations “dead-to-others” is to think about those populations whom a politics of misrecognition needs to bracket, disavow, and/or repudiate because they are either self-evidently undeserving, politically illegible, or (and usually) both. As criminal by being, unlawful by presence, and illegal by status, they do not have the option to be law abiding, which is always the absolute prerequisite for political rights, legal recognition, and resource redistribution in the United States. When subjugation is engendered, justified, and maintained by the law, legal recognition cannot be a permanent or meaningful solution to subjugation. Criminalization justifies people’s ineligibility to personhood because it takes away the right to have rights. Consequentially, criminalization makes sense of the contradictions that ensue when according unequal access to legal universality.
The Eyes of Others

To transparently recognize a black man or a black woman as a “looter” is not equivalent to misrecognizing a hurricane victim as a criminal. Seeing a looter rather than a recognizing a victim does not emerge from an inability to conceive of certain people as entitled to personhood. This way of seeing emerges from the refusal to see them as such. Cultural studies scholar Sara Ahmed’s work on “stranger fetishism” helps to clarify why transparent recognition is not just seeing a stereotype, not merely an act of misrecognition. As she explains, the stranger is not just someone whom we don’t know, but the one whom we know to be a stranger. The stranger becomes a figure with a life of its own because its transparent recognition as the other we don’t know “fleshes out” its given form. In other words, the act of transparent recognition places a looter into a body of color. The looting black body, as the stranger’s given form, comes to contain all we think we know (and all we think we don’t know) about the nature of strangers, who register as out of place when in our space. The figure of the stranger, Ahmed argues, “assumes a life of its own only insofar as it is cut off from its histories of its determination.” The figure of the stranger is, thus, ontologized “as a way of being in the world”; it is “assumed to have a nature” and turned into “something that simply is.”

Akin to “the stranger,” so-called “unlawful” people (looters, gang members, illegal aliens, suspected terrorists) and so-imagined “lawless” places (totalitarian regimes, inner cities, barrios) are ontologized. These grossly overrepresented, all-too-recognizable figures with lives of their own—the looter, the gang member, the illegal alien, the suspected terrorist—have real world referents. We can transparently recognize criminals (with their disreputable traits and deceitful nature) only if we refuse to recognize the material histories, social relations, and structural conditions that criminalize populations of color and the impoverished places where they live. To transparently recognize a looter where a survivor should be depends on erasing the state’s neglect of poor African American victims of Hurricane Katrina. When transparently recognized, such figures are abstracted from the social relationships that effect them, assumed to represent ways of being in the world, defined only by people’s claims and conclusions about their nature. Acts of transparent recognition are integral to the processes that criminalize people of color in the first place.

One of the strategies for exposing moments of transparent recognition is to apply double-consciousness. W. E. B. Du Bois’ concept of double-consciousness works well as an analytical lens for examining photos of black
crime and white survival because the photos evidence and validate what we feel we know but rarely can prove. Du Bois defines double-consciousness as “this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity.” According to Du Bois, African Americans are keenly attuned to the ways in which other people “see” and perceive them. Double-consciousness explains how we might interpret reading stories and seeing photographs through how we imagine what other audiences see, read, and transparently recognize.

Explicit contrasts like the example of looting and finding, however, are not the most prevalent images of racialized criminality and criminalized rightlessness. In addition to coverage about Hurricane Katrina victims, the other topics explored in this book—hate crime, gang violence, undocumented immigration, the war on terror, and the immigrant rights movement—are rarely presented in ways that expose how news media participate in creating or fabricating criminals by providing us the tools that enable us to see and simultaneously deny what we are seeing. Like the AP’s explanation of why looting was not finding, news media suggest that what we see (looting) is not dependent on what we see (a single black man). This becomes even more complicated when pictures do not accompany the text or when the narrative leads us to picture certain images but then takes no responsibility for doing so. While few would admit they imagine specific racialized bodies when reading words such as “crime,” “terrorism,” or “immigration,” social differences such as race, gender, class, sexuality, and legality shape not just how we choose sides in political issues but also how we interpret social reality. This charges scholars of culture with the critical tasks of not only decoding familiar narratives that tell us what to see but also illuminating invisible pictures that most people will deny they see, let alone imagine. As Ruby Tapia writes, “Between images and in the interstices of how we have been taught to see, there are so many necessary and invisible forms. As fiercely as we struggle to say things that are pictures, we must work to picture things that are not, the things inside the gaps in images, the content of spaces between time(s), the dynamic imperatives of power taking shape.”

We need an analytic that enables us to analyze how criminality is recognized when the perspective of power and privilege is not represented but also not necessarily not there, such as when the American public “sees” through another other’s eyes. In 2009, the New York Times reported on “an under-the-radar crime epidemic” in the Big Easy, which was attributed to corporate opportunism, law enforcement apathy, and a resentful residential displaced out-of-workforce. Characterizing New Orleans as “one of America’s most
crime-ridden cities,” the article declared undocumented workers had become “the prey of choice.”¹¹ In this news story, the local poor of color in New Orleans were criminalized through interviews with undocumented immigrants who reported being beaten and mugged by African American assailants. Geovanny Billado, an undocumented immigrant from Honduras, was one of many unauthorized workers who had been mugged. Billado interpreted the reason for the attacks as African Americans’ anti-Latina/o racism: “The blacks are waiting for us. They’ll beat you up. They’ll take your money.”¹²

The photos of looting and finding provided us the pictures and the captions to use our “double-consciousness” to illumine how black people were criminalized, but in the story about crime in New Orleans, undocumented Honduran immigrants represented “the eyes of others.” Undocumented immigrants’ eyes were used to facilitate the transparent recognition of black criminality, to enable U.S. Americans reading this story to simultaneously “see” and deny “seeing” black criminality. Like the Associated Press’s and Agence France-Presse’s contradictory captions of black looting and white finding, respectively, Billado’s comments and the news story in general tell us how to recognize crime in relation to blackness.³³ He, too, sees crime when no crime is occurring as implied by his phrase “the blacks are waiting for us,” as well as by his predictions “they’ll beat you up” and “take your money.” Yet his allegations are contextualized much differently than the Associated Press’s official recognition and definition of “looting.” Because Billado’s assumptions are grounded in a past experience, his claims feel factual in a way that makes it more difficult to challenge than the pictures of anonymous looters and finders. Like the photographs betrayed by their captions, this news story, through informants such as Billado, teaches us how to see crime and criminality, how to interpret “waiting” as a crime-in-the-making. In fact, the story has much in common with the captions, which not only attached criminality to black bodies in the photos of looting but also made black bodies necessary to recognize crime. In the absence of black racial difference (the white couple), a photo of looting becomes evidence of finding. Stories such as Billado’s do the same ideological work as the captions attached to the AP and the AFP pictures, yet unlike the juxtaposed pictures and their betraying captions, Billado’s observations and the news story that cited him held none of the characteristics that make it easy to repudiate racialized criminality, that make it easy to reproach people who “see” looting where finding should be or who “recognize” a crime-in-the-making instead of waiting or wading.

To make matters more complicated, the article’s ideological work functions to decriminalize undocumented immigrants. Drawing upon criminalizing stereotypes of African Americans works to represent undocumented
Latinas/os in New Orleans as hardworking, exploited laborers. When figures of criminality are displaced onto the African American community, journalists undercut the criminalization of “illegal” status. The New York Times article cites an official to speak for undocumented laborers, which redeems Latina/o “illegality” through connecting the men to families while naming their African American attackers as the comparatively unredeemable or the “true” criminals.

“It’s very sad that they’re here helping us rebuild, yet you have an element that’s targeting them,” Officer Janssen Valencia said. “They work all week. Then comes the weekend, they get robbed.”

“What they really voice is: ‘That money was for the family. We don’t harm anybody. Why does anybody mess with us?’”34

The article on crime against undocumented immigrants allegedly by African Americans makes it appear as though both groups harbor racist sentiments toward each other. By citing undocumented workers’ claims that African Americans are racist, journalists conveniently displace the American public’s anti-Latina/o nativism onto the African American out-of-work poor. At the same time, citing such statements also accomplishes the converse because it represents undocumented immigrants as racist for interpreting the attacks as racially motivated. As the press reported, “The accusation of racism does not ring true to some city leaders . . . and in the eyes of some in New Orleans, they have mistaken simple opportunism for racism.”35 This is highlighted with a quotation from African American community leader Reverend John C. Raphael Jr. a minister who leads anticrime rallies: “‘I think it’s not directly racial,’ Mr. Raphael said, but rather ‘the fact that they were vulnerable, they were taken advantage of.’”36 In this way, “respectable” African Americans are cited to undermine undocumented immigrants’ interpretations of their experiences, but not to undermine the experiences themselves. Hence, representations of black criminality remain intact while undocumented immigrants are held responsible for originating and disseminating stereotypes about African Americans as criminal, displacing not only Americans’ anti-black racism but also Americans’ role in reproducing stereotypes about African Americans as criminals.

To analyze the voice of racism when it speaks through the voice of another debased and criminalized group, it’s important to employ a comparative analytic that examines how human value and humans’ values are assumed and assigned, justified and denied. How do we analyze racialized representations if undocumented Latinas/os are cited as both the voice of American
anti-black racism and the victims of African American criminality? Is there a way to disavow the figure of black criminality without reifying the figure of Latina/o illegality when it’s precisely the figure of Latina/o illegality that enables the recuperation of the African American citizen? To represent either aggrieved group as deserving of rights and sympathy, the criminalized figures that their bodies signify must be disavowed or vindicated. But the criminalized figure does not disappear; more often than not, the figure is displaced and mutates into other easily recognizable figures of criminality, such as the “illegal alien.”

Unlike the juxtaposition of black criminality with white ingenuity, the criminal figure cannot be exposed through denial and disavowal in stories that quote Latinas/os, African Americans, Asians, and indigenous peoples to be both the voice and victim of racism. Particular bodies of color cannot be recuperated because no counter evidence or alternative framework reinterprets the figures of criminality, exposes how people of color are criminalized, or uncovers how whiteness is valued.

Because different racial groups are variously marked as criminal and unincorporable, conflict and competition between two marginalized groups are often represented as extraneous to white/nonwhite binaries, but these narratives actually reinforce racialized value hierarchies and binaries—criminal/not criminal, illegal/not illegal, terrorist/not terrorist. Represented as if in constant conflict, aggrieved groups are placed within different racialized binaries and value hierarchies that overlap and intersect—criminal/illegal, illegal/terrorist, terrorist/criminal—in a way that essentially hides, disguises, and displaces American racism, stabilizing rather than subverting practices and processes of criminalization. Our analytical frameworks for making sense of race and race relations in the United States are thus limited when applied to criminalized people of color. This book explores those limitations and, in doing so, elucidates why repudiating criminality and recuperating social value so often reproduce the problems we mean to resolve.

Value and Its Violences: Using a Comparative Analytic

Value is made intelligible relationally. According to literary critic Lindon Barrett, value needs negativity. As he theorizes, the “object” of value needs an “other” of value because “for value ‘negativity is a resource,’ an essential resource. The negative, the expended, the excessive invariably form the ground of possibilities for value.” Hurricane Katrina literally established the watery grounds that made the land and its resources extremely valuable to developers precisely because the land was now worthless to everyone except the
poor of color whose lives were not deemed worthy of rebuilding. As wealthy New Orleans developer Joseph Canizaro said, “I think we have a clean sheet to start again. And with that clean sheet we have some very big opportunities.” His “big opportunities” required razing New Orleans. Rather than seeing the destroyed city as a national disgrace, he saw it as a “clean sheet,” but this sheet can be clean only if poor, displaced African Americans are conceived of as a population easy to abandon. Value and violence, Barrett emphasized, are not simultaneously engendered, but rather “value introduces itself by way of a violent agency that it subsequently seeks to deny.” Hurricane Katrina was not the source of violence; it was the cover story that made it easier to deny the past and present violences of abuse and abandonment, of profit and privatization, which brutally paved the way for corporate elites to accumulate surplus value as they rebuilt a drowning city on newly devalued land. The more worthless the haunted grounds and the more forsaken its residents, the cleaner the sheet, and the cleaner the sheet, the more possibilities big businesses could seize for profit.

But the relationship between human value and human disposability is a bit more complex, conflicted, and even confusing when we aren’t talking about the ways in which Halliburton/KBR finds economic value in the violent devaluation and dehumanization of the poor of color. How might we revise our strategies for analyzing anti-black racism when it works through anti-Latina/o and anti-Asian nativism, when the coded comparison is meant to be the insult? For instance, when identified as “refugees,” black Katrina victims were devalued on multiple levels. Both President George W. Bush and Reverend Jesse Jackson felt it was inappropriate, even offensive, to refer to American citizens displaced by Katrina as “refugees.” As Bush emphasized, “The people we’re talking about are not refugees. . . . They are Americans and they need the help and love and compassion of our fellow citizens.” Jackson maintained that referring to Katrina victims as refugees used “racist language” because it suggested that African Americans were not Americans. His disapproval of “refugee” was grounded in indicting the federal government for its incompetence and indifference, foregrounding African Americans’ unrecognized relationship of privilege to the state: “We are American citizens. We are not refugees. We are citizens who have not been well served by our government.” Both Bush’s and Jackson’s remarks illustrate refugees’ presumed relationships to the federal government and the American public—as un-entitled to Americans’ “love and compassion” and as even less entitled to government resources and services—a relationship that most journalists characterized as “second-class citizenship.” However, to reclaim entitlement by adamantly denying resemblance to refugees also renders less worthy
the many refugees who were also Hurricane Katrina victims, such as New Orleans’ resident immigrant populations from Viet Nam and Honduras.

Like Bush and Jackson, those who rebuked the use of “refugee” were not disagreeing with the definitions of “refugee” provided by the Oxford English Dictionary or the United Nations. They repudiated the way in which “refugee” was used and how it could be interpreted metaphorically—in which case, all the characteristics of “refugee” would be transferred to the victims of Hurricane Katrina, including the meanings assigned to the racial groups currently associated with the category “refugee.” When race works analogically, comparatively, and relationally to make sense of systemic and systematic racism, the state recruits people of color to demand their due recognition as deserving U.S. citizens or law-abiding immigrants, but the manner of their recruitment requires that they do so by disavowing another devalued racial other of U.S. citizenship and American empire. The source of one racial group’s social value (African Americans’ Americanness and citizenship) was contingent upon and made legible through the devaluation of an/other (refugees’ un-Americanness and noncitizenship).

Calling African Americans “refugees” was not only criminalizing; it was alienating and distancing. Journalists used what they believed to be “true” of the Third World to apprehend what they were witnessing, to make sense of post-Katrina New Orleans for themselves and their audiences. “Refugee” evoked racialized regions of the Third World in order to explain a First World disaster. National Public Radio correspondent Mike Pesca’s explanation for why “refugee” was an apt description reveals that some reporters did not identify with Katrina victims and needed to use “refugee” as a way to make sense of tragedies that happen to “other” people and places.

They’re refugees because circumstance is turning them into refugees. . . . If you watched this situation on television, you might not realize how dirty and foul-smelling these people were. There was a reluctance on the part of the rescuers to touch the people. There was a total unwillingness to walk among them. The reaction was understandable. Many of the people they were trying to help had swum through sewage water to get here, and no one was showering anytime soon.

The dynamic I witnessed was clearly of the dirty masses on one side and the soldiers and police on the other. There was a justification for this separation because security was a concern in New Orleans and law enforcement was on edge. But if you looked at the armed men in fatigues on one side of metal barricades, and thousands of grieving people in tattered clothes on the other, you couldn't help but think of Haiti or Kosovo.
The people of New Orleans who finally made it out of town, and who are still being plucked from attics weren’t people on their way out of town. The people who heeded warnings and had the wherewithal to leave town before Katrina hit were evacuees. These beleaguered people who had lost everything were something else.\textsuperscript{44}

Essentially, Pesca could not reconcile how he imagined America with that part of America beyond his imagination, and so he “couldn’t help but think of Haiti or Kosovo.” Pesca differentiated between Katrina evacuees and Katrina refugees, in part, because he identified with the evacuees, with the people “who heeded warnings and had the wherewithal to leave town,” whereas those “beleaguered people” left behind were “something else.” Though perhaps unwittingly, “refugee” was deployed to foreclose empathy for the impoverished African American victims of Hurricane Katrina, and it did so through likening them to differently devalued people of color, whom the debate over the use of “refugee” erased as victims too.

The erasure of victim status also recruits people of color to demand due recognition, as if being represented (no matter how negatively and irregardless of purpose) is in and of itself a sign of social value. Writing for the higher education magazine \textit{Diverse}, Lydia Lum took a different approach toward explaining why the Vietnamese victims of Hurricane Katrina were “swept into the background.”\textsuperscript{45} She began the article by calling attention to how

[t]he entire world saw the images of Black New Orleans residents left homeless, jobless, and helpless by the arrival and aftermath of Hurricane Katrina. The pictures and stories dominated mainstream news outlets for weeks. What hasn't been widely publicized, however, are the Katrina-related ordeals of Vietnamese Americans, another socio-economically disadvantaged population along the Gulf Coast.\textsuperscript{46}

Lum illustrates the underrepresentation of the Vietnamese by situating them in relation to the global coverage of the black poor, challenging portrayals of impoverished African Americans as representative of Hurricane Katrina victims by posing equivalency (“another socio-economically disadvantaged population”). And although Lum and her interviewees make a concerted effort to describe Vietnamese and black relations in New Orleans as just ordinary (as neither wrought with tension nor as an untapped coalition), the article can’t help implying that audiences care more about what happens to African Americans than to Asian Americans and immigrants.

Although she does not indict African Americans for their supposed over-
representation, Lum does suggest that news coverage is a measure of social value in the United States. However, proposing that “visibility” is an unearned privilege that evidences racial inequality in media and popular culture evades questioning these institutions’ roles in criminalizing the black poor; it also presupposes that criminalized representations are better than none at all—perhaps even suggesting that criminalized representations must be at least partially accurate. Engaging a politics of representation, the article communicates two messages: that poor blacks cannot stand in for America or for all people of color, and that the lives of impoverished blacks always seem to overshadow the lives of other U.S. minorities.

In these narratives about Katrina “refugees” of color, race is the methodology of social value; it’s used to contest erasure, reveal neglect, call out contradictions, claim injustice, and make explicit hidden assumptions that justified and reproduced narratives about already not-valued lives of color. Journalists utilized comparative and relational methods to explain and narrate the initial denial of and consequent demand for the (re)conferral of social value. I call attention to these examples not to say that these groups are racist toward one another or that one group pulls another down in order to get ahead. To the contrary, I highlight these examples to demonstrate that there is no way out of this dilemma because recuperating social value requires rejecting the other Other. Ascribing readily recognizable social value always requires the devaluation of an/other, and that other is almost always poor, racialized, criminalized, segregated, legally vulnerable, and unprotected. These racial/ethnic groups are not actually selling each other out; they are simply reasserting the truth of their existence, which has been erased or distorted not only by likening them to already not-valued others but also by not representing them when writing about differently devalued others. Thus, the fact of their existence (I am a citizen, not a refugee or I am a Hurricane Katrina survivor of color, too) is already linked to the devaluation of an/other.

Because (re)valuing always implies devaluing a not-valued “other,” it makes sense to employ a comparative analytic when we analyze the ways in which aggrieved groups are devalued and why aggrieved groups are aggrieved. A comparative analytic centers relational, contingent, and conditional processes of devaluation, which makes it particularly useful for examining how interconnected processes of valorization, devaluation, and revaluation (i.e., race, gender, sexuality, class, nation, legality, etc.) work interdependently to reify value and relations of inequality as normative, natural, and obvious. Although it is informed by the differential devaluation of racialized groups, this approach does not necessarily entail an explicit
comparison of two or more racial groups because relations of value are not always explicit. Processes of differential devaluation often work invisibly and implicitly, or they may be referenced abstractly as what we are not (i.e., we are not “refugees,” “illegal aliens,” “terrorists,” or “criminals”). In a sense, a comparative analytic assumes that in the United States, human value is made legible in relation to the deviant, the non-American, the nonnormative, the pathologized, and the recalcitrant—the legally repudiated “others” of human value in the United States.

The production and ascription of human value are both violent and relational, both differential and contextual. Value is ascribed through explicitly or implicitly disavowing relationships to the already devalued and disciplined categories of deviance and nonnormativity. When we distinguish ourselves from unlawful and outlawed status categories, we implicitly insist that these socio-legal categories are not only necessary but should be reserved and preserved for the “genuinely” lazy (welfare recipients), “undoubtedly” immoral (marrying for citizenship), and “truly” dangerous (gang violence). When we reject these criminalized others of color, we leave less room for questioning why such status categories are automatically and categorically devalued. While these tactics may be politically strategic and even necessary at times, it is important to be cognizant of the fact that they work because a sympathetic public can register that some people are the wrong targets of legitimate laws. They work only if a sympathetic public already accepts that discrimination against not-valued others is legitimate and necessary.

Legal Discrimination

A comparative analytic that centers and denaturalizes the space and the state of social death can help us to reframe familiar narratives about race relations. In many black-Latina/o conflict narratives, for instance, there are unspoken juxtapositions that run the risk of reifying figures of criminality. When rejecting or recontextualizing criminal activity, the disavowal is displaced, directly or indirectly, onto the other. For example, the claim that “law-abiding” undocumented immigrants reside in the United States without authorization is implicitly juxtaposed against the claim that African American citizens engage in criminal activities only because “illegal aliens” steal American jobs. But if we suspend the impulse to recuperate either of these demonized groups, we might find that the debate itself is a lose-lose story—that the official narrative of black-Latina/o conflict and competition works to pathologize both groups, regardless of which side we take.

Both claims obscure the ways in which neoliberal ideologies and values
ontologize figures of criminality by treating them as if they were real examples of poor people’s (ir)rational choices for making a living. According to Lisa Duggan, neoliberalism scripts disempowered and unprotected people as primarily responsible for their vulnerabilities to state exclusion and capital exploitation: “Neoliberals have promoted ‘private’ competition, self-esteem, and independence as the roots of personal responsibility, and excoriated ‘public’ entitlement, dependency, and irresponsibility as the sources of social ills.”

The values neoliberalism publicizes, naturalizes, and universalizes also make indigent groups of color unable to prove they experience discrimination. Even when one possesses ample evidence of employer fraud and worker abuse, neoliberalism makes it difficult to substantiate such claims because in some ways neoliberalism renders capital exploitation conceptually impossible. Neoliberal values of private competition, self-esteem, and independence benefit corporations: If everyone is an “entrepreneur” of him or herself, then individuals cannot be exploited by capital. As “entrepreneurs” of themselves, individuals exploit themselves and should take “personal responsibility” for doing so. Interpreted through a neoliberal value system, “illegal” status is a choice made by rational individuals who are ultimately resigned to being underpaid, cheated, and abused because after “calculating” the risks or “gambling” against the odds, each person presumably decided that undocumented status would still be “worth” it.

In the era of American neoliberalism, social value and moral behavior are interpreted through and evaluated on economic terms, and, as a result, capitalist logic and ethics prevail in the social sphere as well as the economic and political realms. As put simply by Michel Foucault, American neoliberalism demands an “economic analysis of the non-economic.” We can see how this logic permeates narratives of black-Latina/o competition. When allies of undocumented immigrants describe certain occupations as jobs that “no one wants,” they are decriminalizing unauthorized workers by describing them as valuable laborers who help rather than harm U.S. citizens and legal residents. This appeal, however, constructs poorly paid jobs as a privilege and poor U.S. citizens as the “no-one-who-wants” unskilled labor-intensive jobs. This appeal also naturalizes the notion that arduous jobs should not only be underpaid and exploitable but also that the poorest people, regardless of citizenship or immigration status, should feel lucky to be exploited if they are paid at all. The human value of undocumented laborers is measured only in terms of their economic value for the American middle class, whereas the human value of unemployed citizens of color is negated altogether. In this attempt to revalue undocumented workers, the middle-class and socially privileged consumer assumes the position of America’s valued population.
Furthermore, it is virtually impossible, especially for those without copious resources, to press charges against corporations for nonemployment practices that keep people not just unemployed but out of the workforce and excluded from the labor pool. It is all but legal to discriminate against unemployed citizens—most of whom are African American or Latina/o. How can unemployed workers provide concrete evidence of racial bias in hiring practices when they aren't given the opportunity to apply? Claiming racially discriminatory practices in unemployment cannot be addressed by current equal opportunity laws or proven to have "disparate impact" in part because the unemployed are not a protected class and thereby have no basis to sue employers for discriminatory recruitment and hiring practices. Perhaps even more significantly, online job ads and recruitment agencies betray that businesses routinely discriminate against the unemployed. For instance, some job ads require that applicants be currently or recently employed. Requiring up-to-date security clearances or training in brand new technology are other examples of the methods companies use to eliminate people who have been out of work for longer than a year or who are entering the workforce for the first time.

To make matters more complicated, law-evading employers’ criminal activity is not transparently recognized as criminal or punishable. By hiring workers unauthorized to work in the United States, employers commit a series of labor law violations often accompanied by violations of health and safety laws that may be recognized as against the law but not necessarily seen as "criminal" (unlike statuses of rightlessness, such as "illegal aliens" or "gang members," who appear always already criminal). As such, employers are held less accountable for white-collar law-breaking than their legally vulnerable employees, scripting corporate crime as a consequence of, rather than the cause of and catalyst for, undocumented immigration, deindustrialization, and depreciating wages. Because unlawful corporate behavior is not recognizable as criminal, the victims of corporate violence are not recognized as victims.

In fact, neoliberal reasoning would praise and privilege the "rational" logic of unscrupulous, self-preserving, self-determining corporations over unemployed African American U.S. citizens’ rights to living wages and health care. "Neoliberal rationality," as Wendy Brown elaborates, "involves extending and disseminating market values to all institutions and social action," essentially "prescri[ing] citizen-subject conduct in a neo-liberal order." Under neoliberalism, corporations are read as more moral than the poor of color in part because a person’s economic standing reads as evidence of one’s character, moral standards, and values. As chronically unemployed,
poor African Americans are subjected often to the disparaging judgments of neoliberal disciplining.

Under Neoliberalism, impoverished African American citizens’ consumption patterns are under constant scrutiny. Poor African Americans are not only represented as unentitled to “luxuries”; they are also denied the power to decide what constitutes a “luxury” and the power to define what they need and what they can live without. They are chastised for spending “taxpayer” money on items derided as “frivolities”—notwithstanding the fact that poor people of color also pay taxes. After Hurricane Katrina, online postings accused victims of improperly using relief money, implying that survivors’ spending habits should be under stricter surveillance. In one posting, a Katrina volunteer provided the following first-hand observation of victims’ budget mismanagement:

Houses in crappy neighborhoods with blue tarps on the roof to keep out the rain and a new HumVee sitting in the drive way. . . .

Women in high dollar shops buying Louis Vitton [sic] handbags with FEMA money. . . .

It’s not that these people were left out in any way. Instead, they spent the money on HumVees and new SUVs, big screen TVs, and the jewelry stores were booming. By the time I left there, I hated the damn state and everyone in it. . . .

Anyone that doesn’t have a job in Mississippi five years later, damn sure doesn’t want one.\(^56\)

The poster’s impressions were also evaluations that judged the financial choices of people assumed to be Katrina victims as extravagant and indulgent because they purchased nonessential items allegedly with money from FEMA. Although many similar postings of self-reported first-hand accounts berate Katrina survivors’ spending habits, there was no space to allow the victims themselves to define what they considered essential—i.e., for people who lost everything because they lacked transportation and could not evacuate, buying trustworthy cars might be more than essential. Because they were already framed and interpreted as wasteful and irresponsible, African American victims’ financial decisions were difficult to recontextualize without sounding defensive because any engagement puts not only their purchases but also their values and their rationales up for debate, inviting more surveillance over their spending habits. They could only disavow or deny the claims of indulgent irresponsibility.

Because poor people of color are not entitled to define or to decide what
they need and what they don’t, it is easy to accuse them of “mismanaging” their lives because they are held up to standards that are not always in their best interest to observe. Impoverished African American U.S. citizens are stigmatized and disciplined for being structurally positioned in ways that make adhering to neoliberal principles a form of entrapment. Working to become “ideal” neoliberal citizen-subjects requires that they undermine their own demands for living wages, fair employment practices, and rights as citizens so they can compete for jobs with undocumented immigrants. What many forget (or willfully neglect) is that even a willingness to be exploited does not provide employers enough incentive to hire poor U.S. citizens of color because, unlike undocumented immigrants, citizens are legally protected from retaliation if they contest unfair employment practices and abusive working conditions.

Although some state laws include protections for undocumented immigrants in the workplace, such as minimum wage, overtime pay, workers compensation, and disability insurance, undocumented workers are not entitled to legal recourse to recover back pay if they are fired because they are unauthorized to work. If undocumented workers exercise their few legal rights to report workplace and labor violations, they also put themselves at risk for incarceration and deportation. Furthermore, employers use the threat of Immigration and Customs Enforcement (ICE) raids to scare and intimidate workers before paydays. Undocumented labor enables corporations to bypass labor and antidiscrimination laws as well as health and safety regulations because undocumented workers are made too vulnerable by immigration law to be able to utilize their rights as workers under state labor laws.

Since U.S. laws cannot offer redress to socially “dead to other” populations, such as undocumented immigrants and chronically unemployed African American citizens, access to legal recourse becomes understood as something the population in power decides to give freely or deny absolutely. It is, therefore, understandable that appealing to dominant populations’ sympathies and sense of morality is a popular political tactic. Because poor people of color are legally disempowered, they are positioned by law as having to rely on those whom the law empowers—those who, consequentially, take it upon themselves to evaluate whether marginalized groups deserve the rights, recognition, or resources their members are requesting. Both undocumented immigrants and unemployed, impoverished citizens are legally ineligible for personhood because they cannot invoke the laws that address unlivable wages or unfair hiring practices. Unemployment and illegal status leave people legally vulnerable because of U.S. law, rather than protected by
it, because it is all but legal to discriminate against both groups. Hence, because permanently criminalized, rightless statuses are also always already racialized, law ensures that there will always be a population of color rendered permanently rightless in the United States.

Whiteness as (Private) Property

The reason why persons ineligible to personhood are always people of color—or the reason why rightless statuses are always racialized—is because whiteness has a legal history very different from racial difference. Because of its privileged legal history, whiteness benefits from its contemporary relationship to U.S. law. As I argue in chapter 1, this relationship protects white law-breakers from occupying criminalized statuses; white people who commit crimes are more likely to be judged individually, on the basis of their conduct and perceived degree of culpability. In contrast, impoverished people of color, who occupy rightless statuses—such as gang members or illegal aliens—are more likely to be categorically criminalized without regard to their actions or intentions. Put simply by legal scholar Cheryl Harris: "Whiteness has value, whiteness is valued, and whiteness is expected to be valued in law." According to Harris, whiteness has functioned in law as a property interest deserving of protection.

The set of assumptions, privileges, and benefits that accompany the status of being white have become a valuable asset. . . . Whites have come to expect and rely on these benefits, and over time these expectations have been affirmed, legitimated, and protected by the law. Even though the law is neither uniform nor explicit in all instances, in protecting settled expectations based on white privilege, American law has recognized a property interest in whiteness that, although unacknowledged, now forms the background against which legal disputes are framed, argued, and adjudicated.

The state produces both eligibility and ineligibility to personhood by formalizing or legally recognizing “inalienable rights” as “natural” properties inherent to personhood. As Grace Kyungwon Hong explains, “property is better understood as describing a set of social relations. . . . Ownership describes not only the relationship between oneself and the thing one owns, but a system in which the state protects one’s right to own something by ensuring no else does.” Explicating John Locke’s well-known proclamation that “every man has property in his own person,” Hong argues that Locke was not only defining “property” but also defining personhood. As she argues,
“The subject is defined by his ability to own . . . the first and foremost thing he owns is himself.” Thus, when Lisa Lowe succinctly argues that “the most powerful contradiction of liberal democracy arises from the condition that each individual man’s right to property violates the rights of others,” we might see this contradiction not only in relation to property traditionally defined but also as it relates to property in one’s person. The institutionalization of white privilege institutes “inalienable rights” as a property of whiteness and personhood.

In the United States, rights, freedom, and property are intertwined, and this interconnection determines one’s eligibility for personhood. Historically, race and property interacted in ways that not only established whiteness as property but also defined property ownership in racial terms and made property ownership contingent on racial status. Only white people could define property ownership, which meant denying that Native Americans’ land was also Native Americans’ property, and only white people could define other people as property, which included enslaving black people as white people’s personal property. As Harris articulates:

According whiteness actual legal status converted an aspect of identity into an external object of property, moving whiteness from privileged identity to a vested interest. The law’s construction of whiteness defined and affirmed critical aspects of identity (who is white); of privilege (what benefits accrue to that status); and, of property (what legal entitlements arise from that status).

When the state divests targeted populations of their civil and human rights —through criminal law, immigration legislation, the institution of U.S. citizenship, etc.—the very personhood of unprotected residents in this nation is formalized in law as irrelevant.

Because whiteness was/is a property in law, whiteness itself was historically fraught with tensions and contradictions. Although Mexicans were legally defined as white by the Treaty of Guadalupe-Hidalgo (1848–49) and the much later court case In re Rodríguez (1897), Mexicans’ citizenship rights were continually subverted both by and outside law. As ineligible to citizenship, Asian immigrants’ struggles for political enfranchisement were about challenging the definition of whiteness. In 1922 and 1923, in two different cases, Asian immigrants Takao Ozawa and Bhagat Singh Thind were denied naturalized citizenship because the court rejected their claims to whiteness on the basis of skin color and Caucasian ancestry, respectively. Ozawa’s claim to whiteness based on his literal skin color was denied because
Japanese were not members of the Caucasian race; however, Thind’s claim to whiteness premised on his Caucasian ancestry was denied because he did not look phenotypically white and would not be considered white according to the “understanding of the common man.”\textsuperscript{69} Although these cases contradicted each other and were decided only months apart, together they helped to define whiteness and reinforce how it was protected by law as a property interest that required protection from those who would taint or threaten it. As legal scholar Ian Haney López reminds us, black immigrants were also eligible for naturalized citizenship, but there was only one reported case (\textit{In re Cruz}, 1938) in which the petitioner sought U.S. citizenship on the basis of being African, which was also unsuccessful.\textsuperscript{70} Even though some nonwhites were eligible to become citizens in status either by law or birth, whiteness determined whether citizens had access to the rights, privileges, and immunities of U.S. citizenship.

Ultimately, whiteness defined itself through what it was not, and this definition was protected vehemently even when it worked against white people’s interests.\textsuperscript{71} In \textit{Black Reconstruction}, for instance, W. E. B. Du Bois elucidated how working-class whites’ investments in racial superiority affected them detrimentally by preventing them from forming class alliances with African Americans.\textsuperscript{72} David Roediger has argued that the white working class actively used the perception that people of color were innately inferior to bolster support for the white working man’s political and economic demands. Roediger posits that blacks were considered “anticitizens” because it was believed that enfranchised African Americans would be easily manipulated by the rich and powerful.\textsuperscript{73} Thus, it was not a coincidence that extending the vote to more white men in the 1800s by taking away property requirements corresponded with the increasing disenfranchisement of African Americans.\textsuperscript{74} As Harris argues, opening up political rights to unpropertied white men during the time that African Americans were being actively disenfranchised reveals how law changed the “property requirements” for voting—from land ownership to whiteness.\textsuperscript{75}

The legal protection of whiteness as a property interest worked to undermine hard-won civil rights. For instance, \textit{Brown v. Board} (1954) defined racial integration as the only solution to racial inequality. Even though the court outlawed legal segregation, it also refused to recognize African Americans’ right to equal resources, accepting racial inequality “as a neutral base line.”\textsuperscript{76} Anti–affirmative action cases, Harris explains, “speak the formal language of equality, but subordinate equality” by protecting white expectations that “what is unequal in fact will be regarded as equal in law.”\textsuperscript{77} In other words, white people expect to be overrepresented on a neutral playing
field. If inequality is taken to be the “neutral base line,” all practices and poli-
cies that seek to redress racial discrimination will (if remotely successful) alter the base line from unequal to less unequal. George Lipsitz terms this expectation of white entitlement a “possessive investment in whiteness.” As he explains, because whiteness is a social identity with a cash value and legal benefits, people invest in whiteness as an investment property, or a means to accumulate assets and advantages.78

As Harris, Lipsitz, Roediger, and López argue, the institutionalization of white privilege has normalized and protected white expectations of entitlement and empowerment. Hence, whiteness as property figures prominently in contemporary political debates. For example, whiteness has a vested property interest in maintaining the exploitation of undocumented immigrants. The everyday conduct of “illegal” but law-abiding immigrants is often made intelligible as “criminal” by likening immigrants’ actions to “property crimes,” which are characterized as the theft, fraudulent use, and/or depreciation of someone else’s entitlements. When immigration opponents appeal to concerns over resources by portraying immigration as an infringement on rightful ownership (e.g., immigrants take jobs that belong to American citizens), they are appealing to the expectation of white entitlement. This expected entitlement has a history in anti-affirmative action cases. Several anti-affirmative action cases validated the expectation that white Americans should always be able to compete for 100 percent of all jobs (as well as 100 percent of college admission slots and business contracts).79 Hence, even if poor African Americans are named the mostly likely beneficiaries of anti-immigrant legislation, the argument is grounded in a legal history that has negated black people’s rights to higher education, job opportunities, and socioeconomic mobility. In fact, even immigrant rights activists appeal to white Americans’ expectation of entitlement when countering the argument that undocumented immigrants “steal” resources, such as the expectation of unfettered access to the goods and services undocumented labor keeps affordable. In other words, the conflicting property interests of whiteness underlie immigration debates.

The Objects, Methods, and Narrative Arc of Social Death

Rather than trying to rationalize criminal or illicit behavior, this book seeks to denaturalize crime, criminality, and criminal conduct by taking what we know about criminalized statuses and making this knowledge unfamiliar. Making narratives unfamiliar means asking different questions of evidence and situating that evidence within different contexts. I do this through
reading texts symptomatically and diagnostically for what they can tell us about the criminalization of the disempowered, about the production of vulnerabilities, and about the foreclosure of empathy for the unprotected.

My archive is eclectic and unruly. I rely heavily on news media because of its public accessibility, but I also examine a range of other texts such as congressional reports, police bulletins, court cases, legal transcripts, and books by self-proclaimed gang experts—texts that produce official narratives and texts that are likely to be in conversation with one another, directly or indirectly. I follow the texts that either help to produce the categories and narratives about criminalized populations of color or participate in the discourses that shape each chapter’s case study. What the narratives illustrate is that the debates themselves, precisely because they ascribe value and deservingness, depend on and therefore support the permanent criminalization of unsympathetic racialized statuses. These statuses are made unsympathetic in part because the texts engage in what Isabel Molina calls “symbolic colonization.” Molina defines “symbolic colonization” as “the story-telling mechanism through which ethnic and racial differences are hegemonically tamed through the media.”

News media colonize images and narratives of criminalized populations and places through information-gathering practices that not only produce one-dimensional portrayals but also reproduce the official stories that work to justify policing practices, deportation policies, and increased incarceration. These narratives “tame” racial differences by reducing them to criminal natures, by making them all too easy to recognize, to “know” as unknowable and irrational, thereby foreclosing identification and empathy. There are alternate and oppositional texts that give a more complex story than the one I present in this book, but my focus on official narratives is intentional. I am not arguing that poor people of color devalue each other. Rather, I argue that the most vulnerable populations in the United States are often represented as if they are the primary sources of the other’s social denigration. And because they are represented in this way, they are recruited to participate in their own and others’ devaluation.

In the conclusion, I demonstrate how we are all recruited often unwittingly and/or unwillingly to devalue lives, life choices, and lifestyles because valuing them would destabilize our own precarious claims to and uneasy desire for social value. By narrating the ways in which the texts and narratives analyzed in this chapter unsettled me, I provide both an explanation and a demonstration of my analytical approach to the eclectic texts of my unruly archive. Alongside my analysis, I point out the moments when my evidence or analysis reaches a dead-end, compels me to follow a detour, and/or demands that I ask a different question altogether. In that final chapter,
I examine the official narrative about the death of my cousin alongside the narratives my family and I produced about him. This is a story of my many failures to ascribe him social value on terms that felt true to him and his memory. Employing a politics of misrecognition could not ascribe social value to him. A politics of misrecognition is a politics that relies on tactical arguments that construct only some members of a group targeted for state violence as having been falsely and unfairly misrecognized by U.S. law. My cousin was a Mexican American male, and he was often racially profiled, but pointing out the devalued categories of which he was not a part was not enough to ascribe social value to him. It was not enough to say that “he was not a gang member” because he did not leave us with something to say next. Part of the power in denying stereotypes comes from the “truths” we offer in their place. But my cousin was not a straight-A college student who was misrecognized as a gang member or an undocumented immigrant. He was not a family man, leaving behind a wife and children. Neither was he a doctor, a teacher, or an activist. He was a high school dropout who was often unemployed and lived with his parents. He had habits and hobbies considered self-destructive, dangerous, and socially deviant. Although he was not ineligible to personhood, like gang members or undocumented immigrants, his personhood was nonetheless illegible because he did not fit socially valuable categories either. A politics of misrecognition could not ascribe value to him because it relies on criteria that he did not meet.

My other chapters examine how the criminalization of impoverished communities of color informs, naturalizes, and reinforces the racialized criteria for social (de)valuation. To delve deeper into how and why such criminalizing processes are so tenaciously attached to bodies of color, chapter 1 examines how whiteness is decriminalized and how processes of decriminalization are also relational. The refusal to recognize young white males as criminal relies upon recognizing the figure of the criminal as not only always already racialized but also as one whose conduct and character must be imagined as proportionately more depraved than that of a white person who commits comparable crimes. The chapter’s case study is set in San Diego, California. In 2000, seven white youth and their half-Cuban-, half-white-identified friend violently attacked five Mexican migrant workers without provocation. Changes to the California penal code earlier that year mandated that the teenagers be tried as adults. In mainstream media accounts, the young men’s guilt was never questioned nor was the “wrongness” of their actions disputed. What was left up for debate was whether or not they should be punished according to the new laws, which many thought affected only gang members and other/ed unredeemable youth. In other
words, the primary question regarding the assailants’ case was whether their irrefutable guilt tainted their innate innocence. I argue that the case was thought about in this way because criminality is racialized and spatialized and because their violent vigilantism was aligned with state-sanctioned violences against Mexican immigrants in general and undocumented immigrants in particular.

While the first chapter examines how criminality is recognized through scrutinizing the ways in which whiteness is decriminalized, chapter 2 analyzes how criminality is produced. Unlike stereotyping, which refers to the multiple ways law-abiding people of color are misrecognized as criminal and treated by others as such, criminalization refers to the various ideological and material processes that turn some people into criminals by making it all but impossible for them to be law-abiding. In this chapter, I examine the criminalized figures of the gang member and criminal alien as simultaneously embodied by a Cambodian refugee. Kim Ho Ma was detained indefinitely for his participation in a gang-related murder. Ma’s overlapping (il)legal statuses—noncitizen, criminal alien, refugee, and gang member—worked to convey and deny sympathy by deploying race relationally to make his value legible. Official narratives used “cultural difference” to normalize violence within refugee communities, as if violence directed against Southeast Asian immigrants can be traced to either cultural difference, as violence imported from over there, or to inner-city irrationality, as space-specific American violence, expected and inescapable but not excused. The notion that violence only happens elsewhere, I argue, justified the ways in which immigration legislation was revised to function like criminal law, instituting punishment. These various representations of Southeast Asian violence help us see how legislation such as the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) could be narrated as preemptive even though many of their harshest penalties were retroactive.

While chapter 2 analyzes the ways in which common criminalizing narratives about African Americans were deployed to contextualize and minimize Southeast Asian social deviance, chapter 3 examines how new racialized and sexualized threats can unsettle seemingly stable narratives of commonly criminalized figures. In this chapter, I trace how the production of the racialized status category of “suspected of terrorism” both upset and reinforced the racial and gendered signifiers of the “illegal alien.” During the war on terror, “suspected terrorists” were racially profiled and legally produced through the same laws (such as the AEDPA and the IIRIRA) that had already rendered criminal aliens and undocumented immigrants ineligible to personhood. As
the signifier for legitimate discrimination through legal racial profiling, “illegality” marks certain people as not just outside law but also subject to lawlessness and unregulated state violence. Because Middle Eastern immigration was rendered “suspect” and “fraudulent” through immigration law and represented as “illegal” in mainstream news media following 9/11, Latina/o racial difference was temporarily destabilized as the contemporary signifier for unlawful immigration. The war on terror also created opportunities for the racialized un-incorporable to be socially and legally integrated through military service, expedited naturalization, or posthumous citizenship. Arab/Muslim racial and religious difference was deployed by media to manage the contradictions that emerged when Latinas/os were portrayed as both the face of illegal immigration and the face of the multicultural military, as both the threat to and the protector of the American way of life. Although this limited Latina/o incorporation provided powerful political tactics for undocumented activists and their allies, these other, distinct, and disparate racialized “threats” were quickly reconsolidated under U.S. immigration law, grafting terrorism onto “illegality.”

Because the “terrorist” was at times represented as an “illegal alien,” antiterrorist discourses impacted undocumented Latinas/os in various ways—from proposals for harsher immigration laws to the political strategies that protested those laws. Chapter 4 examines how those political strategies were represented in news coverage of the 2006 immigrant rights marches. Explicitly positioning hard-working, family-oriented undocumented immigrants against incorrigible “criminals” and “terrorists,” movement activists and sympathetic reporters highlighted immigrants’ claims to respectability. Unlike the anti-Latina/o family campaigns of the 1990s (touched upon in chapter 1),81 the 2006 demonstrations for undocumented immigrant rights framed “family rights” as “civil rights” and also narrated the immigrant rights movement itself as the next chapter of U.S. civil rights history. Movement leaders’ invocation of the U.S. legacy of civil rights, however, was represented in news media as controversial, as if the comparison devalued rather than honored the African American civil rights leaders of the 1950s–1970s. In chapter 4, I analyze how the black-Latina/o conflict and competition narrative was used as a means to undermine both Latina/o immigrants’ and African American citizens’ claims to rights. In particular, I argue that the focus on civil rights frames African Americans’ entitlements to citizenship as “earned” (achievable) rather than inherent (universally inherited). The debate sets terms, which demand African Americans to demonstrate time and again their “deservingness” for rights. (This was a demand never made of the eight young assailants in San Diego analyzed in chapter 1.)
Toward Unthinkable Politics

This book is not a critique of activists and academics who ascribe social value to devalued people and places but rather an analysis of our limits and an examination of the reasons why other options are less accessible, less influential, and, perhaps more often than we think, less intelligible. Contemporary progressive politics must rely not only on what dominant groups find palatable (i.e., the family, legality) but also on the “value practices” that will make social statuses recognizable as valuable to (and often for) the very privileged of U.S. society. Because “value is fundamentally relational despite all appearances to the contrary,” to ascribe (legible) value to devalued populations, we have to evaluate them in relation to differently devalued groups and according to normative criteria. Indeed, as an explicitly comparative race project, my analyses cannot escape these contradictions; nor can they offer a politics that finds a way out of the violence of value. Because we cannot escape the devaluation in revaluation, I instead take up Barrett’s challenge: “to re-member the Other by dismembering value.” For me, this means suspending the impulse to reject criminalizing stereotypes precisely because the mere chance to recuperate social value is contingent on that rejection. As Hong reminds us, a politics that rejects social value is inconceivable.

When the alternative to social value is social death, and social death means brutally exacerbated conditions of racialized violence, incarceration, and coercion, the allure of legibility is undeniably difficult to resist. Indeed, imagining a politics based on the refusal of social value is an impossible, unthinkable option, one, in truth, outside of any available notion of the political.

Dismembering social value by refusing “the lure of legibility” re-members the other because it gives us the space to be more critical of the automatic, understandable impulse to deny and be offended by criminalizing stereotypes. In this space, the space of social death, we can re-member the other by asking ourselves: Whom does this rejection really benefit and whom does it hurt? This project is not concerned with whether something is politically practical or logistically possible because these approaches need to assume that legal apparatuses are legitimate and fixable. If we suspend the need to be practical, we might be able see what is possible differently. A focus on social death enables us to start at the places we dare not go because it enables us to privilege the populations who are most frequently and most easily disavowed, those who are regularly regarded with contempt, those whose
interests are bracketed at best because to address their needs in meaningful ways requires taking a step beyond what is palatable, practical, and possible. Like Barrett, Hong, and Holland, I find “empowering oppositional narratives” in the devastating spaces of social death and their populations’ abstract existences, but empowering narratives do not necessarily give us happy endings. Nor do they always leave us inspired. In the spaces of social death, empowerment is not contingent on taking power or securing small victories. Empowerment comes from deciding that the outcome of struggle doesn’t matter as much as the decision to struggle. Deciding to struggle against all odds armed only with fingers crossed on both hands is both an unusual political strategy and a well-informed worldview. It is a choice premised upon what Derrick Bell calls “racial realism.”

Racial realism is a form of unthinkable politics because it proposes that we begin battles we’ve already lost, that we acknowledge and accept that everything we do may not ever result in social change.

When implementing Racial Realism we must simultaneously acknowledge that our actions are not likely to lead to transcendent change and, despite our best efforts, may be of more help to the system we despise than to the victims of that system we are trying to help. Nevertheless, our realization, and the dedication based on that realization, can lead to policy positions and campaigns that are less likely to worsen conditions for those we are trying to help and more likely to remind those in power that there are imaginative, unabashed risk-takers who refuse to be trammeled upon. Yet confrontation with our oppressors is not our sole reason for Racial Realism. Continued struggle can bring about unexpected benefits and gains that in themselves justify continued endeavor. The fight itself has meaning and should give us hope for the future.

Although racial realism takes failure for granted, it does not equate failure with defeat. Accepting hopelessness is not necessarily equivalent to abandoning hope. As Sara Ahmed writes in her critique of happiness, “To kill joy... is to open a life, to make room for life, to make room for possibility, for chance.”

To take unthinkable politics seriously, we need to entertain counter-intuitive thoughts and practice imagining otherwise. “To imagine otherwise,” Fiona Ngô argues, “failure need not be overcome, rehabilitation need not be desired, subjectivity need not be recovered.” Instead, she insists, “we must conceive of an ethical stance that refuses to cover over the violence that brought us to the present.” If the critical task is not to resolve the contradic-
tions of reintegrating the socially dead into a capitalist society that sees most of humanity as a necessary but negative resource, then it makes sense to mobilize against preserving this way of life or the ways of knowing that this life preserves. Rather than “breathe life” into the spaces of social death (gentrification, privatization, and democratization), we might conscientiously work against the logic of survivability, which in the United States sees the preservation of U.S. capital as central and indispensable to the “American way of life.” In neoliberal ways of knowing, the value of life is subjected to an economic analysis and assessed accordingly: How has this person contributed to society? What will he or she accomplish in the future? Is it worthwhile to invest in this neighborhood and its residents or will such an investment be only a waste of resources?

Lives are legibly valuable when they are assessed comparatively and relationally within economic, legal, and political contexts and discourses, framed by a culture of punishment according to the market logic of supply and demand. This means that, for the most part, value is not ascribed to living life in meaningful ways, and it also means that those who are socially devalued do not get to decide what makes a life meaningful or the terms by which their lives are evaluated as meaningful or meaningless, as valuable or valueless. By figuring out new contexts and ways of framing “why life is valuable,” we might figure out how to talk about social problems in ways that do not require us to appeal to market values or to redirect juridical and social repudiation toward other populations that constitute the “negative resource” to American value. Of course, we cannot discount that fighting for basic survival needs in immediate, practical, and strategic ways is urgent, important work, but at the same time, a meaningful life is not a luxury but rather the purpose of the struggle itself, the difference between surviving and living.